

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM B. KISSANE,

Petitioner,

Civil No: 93-70474

Honorable Lawrence P. Zatkoff

v.

DAVID TRIPPETT,

Respondent

ORDER

This matter is before the Court on Plaintiff's "Motion for Relief from Judgment or Order and/or for Equitable Relief in the Exercise of this Court's Inherent Article III Powers" (Docket #70).

On February 4, 1993, Petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court denied the petition on April 6, 1995. On August 21, 2006, Petitioner filed a "motion for equitable relief in the exercise of this court's inherent Article III powers, and/or for relief from judgment or order." This Court construed Petitioner's motion as a successive petition for writ of habeas corpus and, pursuant to 28 U.S.C. § 2244(b)(3), the Sixth Circuit must authorize the filing of a successive petition for writ of habeas corpus. Accordingly, this Court transferred that motion to the Sixth Circuit Court of Appeals. On August 9, 2007, the Sixth Circuit Court of Appeals dismissed Petitioner's application to file a second or successive application for habeas relief in the District Court for want of prosecution.

Petitioner prepared the instant motion on August 22, 2007, and it was filed with the Court on August 24, 2007. As with the motion filed on August 21, 2006, the instant motion is a successive petition for writ of habeas corpus which, pursuant to 28 U.S.C. § 2244(b)(3), must be authorized by

the Sixth Circuit. As Petitioner apparently chose not to pursue prosecution of the prior motion in the Sixth Circuit, this Court hereby DENIES Petitioner's instant motion (Docket #70) rather than again transferring it to the Sixth Circuit. In addition, to the extent that Petitioner files any additional document with this Court prior to resolution of the issue presented in such document by the Sixth Circuit, such document shall be summarily denied.

Accordingly, and for the reasons set forth above, the Court hereby ORDERS that Petitioner's Motion (Docket #70) is and shall be DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 6, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 6, 2007.

s/Marie E. Verlinde
Case Manager
(810) 984-3290